

REMARKS

Claims 1-31 are pending. Applicants respectfully request reconsideration and reexamination of the application.

Claims 23-25 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,219,172 to Yariv [herein referred to as "Yariv"].

Examiner cites Yariv (fig. 1 and 4:18 to 5:2) as disclosing an optical pulse discriminator adapted to receive the optical pulses and provide a digital electrical signal (OA pg 2). Applicants respectfully disagree as Yariv sets forth that the opto-electronic device 100 provides separated pulse trains 132P1 to 132PN that are routed to N parallel optical detectors 140 and are converted into N parallel electronic channels 142, which may then be provided to N analog-to-digital converters (ADCs) (4:18-60). Thus, Yariv may be viewed as providing serial to parallel conversion for an analog signal to accommodate electronic ADC processing speeds (4:53-65), but does not disclose "an optical pulse discriminator adapted to receive the optical pulses and provide a digital electrical signal" as recited in Claim 23.

Therefore, Applicants respectfully submit that Claim 23 patentably distinguishes over Yariv and that corresponding dependent Claims 24 and 25 are also distinguishable for at

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least the same reasons. Therefore, Applicants respectfully request that the rejection under 35 U.S.C. § 102(b) of Claims 23-25 be withdrawn.

Claims 1-31 were provisionally rejected on the grounds of non-statutory obviousness-type double patenting as being unpatentable over Claims 1, 3, 5, 6, 8, 25-27, and 29-32 of co-pending U.S. Patent Application No. 10/820,915 in view of U.S. Patent Application Publication No. 2003/0048971 to Ionov. Applicants are submitting herewith a terminal disclaimer with respect to co-pending U.S. Patent Application No. 10/820,915. Therefore, Applicants respectfully request that the rejection on the grounds of non-statutory obviousness-type double patenting of Claims 1-31 be withdrawn.

Accordingly, Applicants respectfully submit that Claims 1-31 are in proper form for allowance. Reconsideration and withdrawal of the rejections are respectfully requested and a timely Notice of Allowance is solicited.

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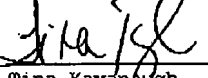
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If there are any questions regarding any aspect of the application, please call the undersigned at (949) 752-7040.

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June 21, 2007

Respectfully submitted,



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